

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW MEXICO**

In re:

**5K CAR STORE, INC**  
**A New Mexico Corporation**

**EIN: 27-1246229**  
**Debtor.**

**Case No. 17-11456-t11**

**NOTICE OF DEBTOR'S APPLICATION TO EMPLOY AND  
COMPENSATE COUNSEL AND DEADLINE TO FILE  
OBJECTIONS TO SUCH APPLICATION**

**YOU AND EACH OF YOU** are hereby notified that Debtor has filed an Application to Employ and Compensate Counsel on June 9, 2017.

Debtor desires to employ Albuquerque Business Law (James T. Burns III) ("Attorney") as its bankruptcy counsel in this Chapter 11 Bankruptcy case, and in all other matters arising out of, or related to this case in which the Debtor requires counsel. Attorney is an attorney duly admitted to practice before this Court, experienced in bankruptcy matters, and is qualified to represent Debtor. To the best of Debtor's knowledge, Attorney and its employees have no connection with the creditor's, or any other parties-in-interest, or their respective attorneys. Attorney is not a creditor, nor is it an insider. Attorney has not represented Debtor in any other matters prior to Debtor employing the law firm to represent them in this Chapter 11 case. In general the professional services to be rendered by Attorney include but are not limited to the following: a) to represent and to render legal advice to Debtor regarding all aspects of this Chapter 11 Bankruptcy case, including without limitation, preparation of all Statements of Financial Affairs, Schedules, Disclosure Statement and Chapter 11 Plan, in compliance with applicable bankruptcy laws by Debtor after filing, attending § 341 Meeting of Creditors, United States Trustee's Initial Debtor's Exam, claims disputes, adversary proceedings, and represent Debtor in all hearings before this Court; b) to prepare, on behalf of Debtor, necessary petitions, answers, motions, applications, orders, reports, and other legal papers, and to adjudicate allowed claims; c) to assist Debtor in taking actions required to effect a successful reorganization under Chapter 11 of the Bankruptcy Code to pay all allowed claims in the order of priorities; d) to perform all legal services required by Debtor in fully adjudicating the Chapter 11 and related matters; e) to perform all other legal services for Debtor, as required by the Court, Debtor and/or action of creditors, as necessary; and f) to resolve the disputed secured, priority and unsecured claims.

The terms of employment for Attorney that have been agreed to by Debtor, subject to Court approval, are that certain attorneys and paralegals within the firm will undertake the representation at their regular hourly rate, subject to periodic adjustments. Attorney has agreed to represent Debtor in the Chapter 11 case at the hourly rate of \$250.00 for James T. Burns, III the hourly rate of \$100.00 for paralegals. These hourly rates are subject to applicable New Mexico gross receipts tax, plus costs, fees and expenses. Attorney will make periodic applications for interim compensation, and, at the completion of the case, for final approval of compensation. Debtor seeks authority from the Bankruptcy Court to pay Attorney interim fees of seventy-five percent (75%) of the total on a monthly basis, plus tax and all costs and reimbursement of actual out-of-pocket expenses, with the balance held in trust, if any, pending approval of the fees by the Court on application approximately every 180 days. All fees, costs and gross receipts tax paid on a monthly basis or otherwise (including rates charged) would be subject to approval of the Bankruptcy Court under Bankruptcy Code §§ 328, 330 and 331. Upon approval, Attorney shall use the balance in its retainer account to pay interim fees, costs, and reimbursement of expenses. Attorney represents no interest adverse to Debtor or the Debtor's Estate, and the employment will be in the best interests of the Estate. Employment of Attorney should be made effective the date of the filing of the case. Attorney is not a pre-petition creditor. Attorney has received a retainer of \$5,000.00 on May 15, 2017 and \$5,000.00 on June 2, 2017.

**THE MOTION IS ON FILE WITH THE CLERK OF THE COURT**, United States Bankruptcy Court, District of New Mexico, Dennis Chavez Federal Building and United States Courthouse, 500 Gold Avenue, SW, Tenth Floor, Albuquerque, New Mexico, 87103, and is available for inspection by interested parties.

**IF YOU OBJECT** to the requested relief, you must file an objection with the Clerk of the Court of the United States Bankruptcy Court, Dennis Chavez Federal Building and United States Courthouse, Tenth Floor, 500 Gold Avenue SW, PO Box 546, Albuquerque, New Mexico 87103-0546, within **twenty-one (21) days after the date of mailing of this Notice, plus three (3) days for mailing of this Notice, for a total of twenty-four (24) days.** If you are an attorney, you must electronically file your objection at [www.nmcourt.fed.us/web/BCDOCS/bcidenx.html](http://www.nmcourt.fed.us/web/BCDOCS/bcidenx.html). You must provide a copy of your Objection to Albuquerque Business Law, P.C., (James T. Burns, Esq. and Jason M. Cline, Esq.), 1801-B Rio Grande Blvd., NW, Albuquerque, NM 87104.

**IF OBJECTIONS ARE TIMELY FILED**, a hearing to consider them will be held before the Honorable David T. Thuma, United States Bankruptcy Judge in the Dennis Chavez Federal Building and United States Courthouse, 500 Gold Avenue SW, Albuquerque, New Mexico on short notice to the Debtors, the United States Trustee and any objecting parties.

**IF NO OBJECTIONS ARE TIMELY FILED**, the Court may consider entry of an Order granting the Motion without further notice.

I hereby certify that the above was electronically filed on June 9, 2017, and a copy of the Notice will be electronically transmitted to all parties who have entered an appearance on CM/ECF system. A copy of the above Notice was mailed via USPS, first class, to the U.S. Trustee, all creditors of the Debtor, and to all counsel of record, all at their addresses of record herein.

/s/ James T. Burns "electronically submitted"  
James T. Burns, Esq.  
*Attorney for Debtor*  
1801-B Rio Grande Blvd., NW  
Albuquerque, NM 87104  
(505) 246-2878/(505)246-0900 – facsimile  
[james@abqbizlaw.com](mailto:james@abqbizlaw.com)

#### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing Notice was sent by First Class United States Mail on June 9, 2017, to all parties entitled to notice as set forth on the Bankruptcy Court Clerk's Official Mailing Matrix. A copy of the matrix sheets used in this mailing have been attached to the original of this notice filed with the Court only.

ALBUQUERQUE BUSINESS LAW, PC

James T. Burns  
James T. Burns